

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HECTOR GONZALES,

Plaintiff,

V.

UNKNOWN FROISLAND, Sgt, et
al.,

Defendants.

4:07CV3103

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On February 5, 2008, the court permitted Plaintiff to conduct limited discovery in order to determine the only remaining Defendant's "first name, last known address, current place of employment, and other information which may be helpful to Plaintiff in effecting service of process" on that Defendant. ([Filing No. 84](#) at CM/ECF p. 4.) The court also granted Plaintiff an additional 90 days, or until May 5, 2008, to conduct this discovery and serve Defendant with summons. (*Id.*) The court warned Plaintiff that "failure to obtain service of process on Defendant Froisland within 90 days of the date of this order will result in dismissal of this matter without further notice." (*Id.* at CM/ECF p. 6.) Plaintiff has not served Defendant Froisland.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Amended Complaint ([filing no. 14](#)) is dismissed without prejudice.
2. Plaintiff remains responsible for the payment of the filing fee in accordance with the court's previous Memorandum and Order.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

June 16, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge